

## **PISTOL LICENSE FIREARM REGISTRATION**

### **Application for Certificate of Non-Destruction of Firearm**

From time to time, firearms are found in the County or transported into the County under circumstances that are not criminal in nature, such as finding a firearm among the possessions of a deceased licensee.

Penal Law Section 400.05 requires seizure and destruction of weapons that are not properly registered. Subsection 3 permits a Judge or Justice to exempt a firearm from destruction if the ends of justice are served thereby. This procedure is to permit individuals a means of applying for a Certificate of Non-destruction from the County Court. However, the circumstances permitting issuance of such a certificate must be sufficiently compelling to overcome the illegal possession thereof, in the interest of justice.

#### **PROCEDURES**

1. Person seeking a Certificate of Non-destruction of Firearm should first turn the firearm into a police agency for safe keeping. Attach a copy of the turn-in receipt to the Application for Certificate of Non-Destruction of Firearm when submitting.
2. Next, applicants should acquire a bill of sale for the firearm and/or obtain a written, notarized statement explaining the background of the firearm from the person who has been in possession of the firearm or is familiar with its background (the attached affidavit form can be used).
3. The applicant completes the formal Application for a Certificate of Non-Destruction of Firearm as completely as possible and has it notarized.
4. The Sheriff's Office will then complete a background check on the firearm through DCJS (Division of Criminal Justice Services) and forward a recommendation to the Court.
5. All documents are then presented to the pistol permit authority, County Court Judge, for review and issuance of Certificate of Non-destruction in appropriate cases. (Keep in mind that the circumstances must justify the issuance of the certificate).
6. Thereafter, if the Certificate is granted, the firearm is registered on the applicant's license, and the firearm can be retrieved from the police agency.

*Note: If a firearm is acquired out of state from a person other than a Federal Firearms Dealer, this procedure must be followed before the firearm can be registered in New York State.*

*If a firearm is located outside of New York State, you may have it transported from a Federal Firearms Dealer in that state to a Federal Firearms Dealer in the State of New York. Once this is done, bring the bill of sale from the dealer in New York to the Pistol Permit Clerk for registration on your license and pay the three dollar registration fee. This must be done before you pick up the firearm from the local dealer.*

# Application for Certificate of Non-Destruction of Firearm

Penal Law 400.05 (3)

Name of Applicant: \_\_\_\_\_

Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

Police Department in Possession of Firearm: \_\_\_\_\_

Type of Firearm: Make: \_\_\_\_\_ Model: \_\_\_\_\_ Caliber: \_\_\_\_\_

Serial #: \_\_\_\_\_ (please circle one): Semi Auto Rev.

Applicant's Permit Number: \_\_\_\_\_ Date Permit Issued: \_\_\_\_\_

County of Permit Issuance: \_\_\_\_\_

Are you voluntarily coming forth to register the firearm or have authorities compelled you to do so?: \_\_\_\_\_

Previous registration of firearm (name and permit number): \_\_\_\_\_

Previous possession or location (dates & individuals): \_\_\_\_\_

What is the estimated value of the firearm?: \_\_\_\_\_

Has the firearm ever been used in a crime?:  Yes  No

Is the firearm a family heirloom?:  Yes  No

If yes, please explain: \_\_\_\_\_

Is the firearm a collector's item or antique?:  Yes  No

If yes, please explain: \_\_\_\_\_

What is the intended use of the firearm in the future?: \_\_\_\_\_

In your words, why should a Certificate of Non-Destruction be issued to prevent the firearm from being destroyed?

Under penalty or perjury, all information given above is true and correct.

\_\_\_\_\_  
*Applicant's Signature*

Subscribed and sworn to before me this  
\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
Notary Public

# AFFIDAVIT

Affidavit by person in possession or having knowledge of the origin of the firearm:

STATE OF NEW YORK  
COUNTY OF GENESEE ss.:

I, \_\_\_\_\_ make the following statement of my own free will:

1. I reside at: \_\_\_\_\_
2. I am familiar with the following firearm:  
Make: \_\_\_\_\_ Model: \_\_\_\_\_  
Caliber: \_\_\_\_\_ Serial No.: \_\_\_\_\_
3. I can attest that the firearm came from and has been in the possession of:  
(describe in detail giving names, dates, and addresses)  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
4. To the best of my knowledge, the firearm was last registered on: \_\_\_\_\_  
Pistol License No.: \_\_\_\_\_ County of Permit Issuance: \_\_\_\_\_
5. From my knowledge, the former person who possessed the firearm was a law-abiding citizen free of any criminal history. (State criminal history)  
\_\_\_\_\_
6. The firearm, to my knowledge,  was  was never used in the commission of a crime.  
Describe the crime: \_\_\_\_\_
7. The reason that the firearm is not now licensed is that:  
\_\_\_\_\_  
\_\_\_\_\_

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The above statement is true and correct to the best of my knowledge.

\_\_\_\_\_  
*Signature*

\_\_\_\_\_  
*Print Name*

Subscribed and sworn to before me this  
\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
Notary Public